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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,010	07/13/2001	Thomas Anschutz	BELL 0094/00377	2458
52270	7590	04/21/2006	EXAMINER	
POTOMAC PATENT GROUP, PLLC P.O. BOX 270 FREDERICKSBURG, VA 22404			JEAN GILLES, JUDE	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,010

Applicant(s)

ANSCHUTZ ET AL.

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11, 14 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11, 14 and 27-29 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in regards to the Reply received on 03/21/2006.

Response to RCE

This action is responsive to the application filed on 03/21/2006. Claims 1, 12, 13, and 15-26 have been cancelled. Claim 27-31 are newly added. Claim 2-11, 14, and 27-30 are pending. Claims 2-11, 14, and 27-30 represent a method and system for "providing network and Services access independent of an Internet Service Provider."

Allowable Subject Matter

1. **Claim 30** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. **Claims 31, 2-4, 7, 27, and 28** are rejected under 35 U.S.C. 102(e) as being anticipated by Arkko et al (Arkko), Patent No. 6,604,736 B1.

Regarding **claim 31**, Arkko discloses a system for providing Internet Protocol (IP) services from different Internet Service Providers (ISPs) to a plurality of different IP enabled devices via an access provider network (fig. 1, fig. 2) , the system comprising:

a plurality of different IP enabled devices [fig. 1, items 158(1)...158(n)]

an access provider network connected to said different ISPs [fig. 3; column 7, lines 30-65]; and

an access device which connects said different IP enabled devices to said access provider network (fig. 2, item 168; column 6, lines 54-63);

wherein said access provider network assigns a first IP address to said access device [column 8, lines 12-41];

wherein said access device establishes a service session with one of said plurality of different ISPs by assigning a second IP address from said one of said plurality of different ISPs to said access device [column 8, lines 12-41];

wherein when said access device receives IP traffic from one of said different IP enabled devices, said access device determines whether a destination IP address associated with said IP traffic is associated with said access provider network [column 8, lines 12-41; column 9, lines 1-40];

wherein said access device forwards, if said destination IP address is not associated with said access provider network, said IP traffic to said one of said plurality of different ISPS using said second IP address as a source address of said

IP traffic [column 8, lines 12-41; column 9, lines 1-40]; and

wherein said access device otherwise, if said destination IP address is associated with said access provider network, forwards said IP traffic to said access provider network using said first IP address as said source address of said IP traffic [column 8, lines 12-41; column 9, lines 1-40].

Regarding **claim 2**, Arkko teaches the system of claim 31, wherein the IP enabled devices includes an IP telephone, the access provider network further comprises a telephone network gateway (column 6, lines 54-67; column 7, lines 1-15).

Regarding **claim 3**, Arkko teaches the system of claim 31, wherein the different IP enabled devices include a personal computer (fig. 2, tem 205).

Regarding **claim 4**, Arkko teaches the system of claim 31, wherein the different IP enabled devices include an IP enabled appliance (fig. 2, tem 210).

Regarding **claim 7**, Arkko teaches the system of claim 31, wherein the access provider network further comprises a broadband access interface [column 4, lines 1-55].

Regarding **claim 27**, Arkko teaches a method for providing Internet Protocol (IP) services from different Internet Service Providers (ISPs) to a plurality of different IP enabled devices via an access provider network (fig. 1, fig. 2), the method comprising the steps of:

connecting said plurality of different IP enabled devices to said access provider network via an access device [fig. 3; column 7, lines 30-65];

assigning a first IP address from said access provider network to said access device [column 8, lines 12-41];

establishing, by said access device, a service session with one of said plurality of different ISPS by assigning a second IP address from said one of said plurality of different ISPS to said access device [column 8, lines 3-41];

receiving, by said access device, IP traffic from one of said different IP enabled devices [column 8, lines 12-41];

determining whether a destination IP address associated with said IP traffic is associated with said access provider network [column 8, lines 12-41];

forwarding, if said destination IP address is not associated with said access provider network, said IP traffic to said one of said plurality of different ISPS using said second IP address as a source address of said IP traffic [column 8, lines 12-41; column 9, lines 1-40]; and

otherwise, if said destination IP address is associated with said access provider network, forwarding said IP traffic to said access provider network using said first IP address as said source address of said IP traffic [column 8, lines 12-41; column 9, lines 1-40].

Regarding **claim 28**, Arkko teaches The method of claim 27, further comprising the step of:

mapping said service session to said one of said plurality of different IP enabled devices [column 8, lines 12-41; column 9, lines 1-40].

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5, 6, 8-11, 14, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Arkko in view of Schmuelling et al (Schmuelling) U.S. Patent No. 6,603,758.

Regarding claim 5: Arkko teaches the invention substantially as claimed.

Kavacheri teaches the system of claim 31, but fails to disclose a method wherein the access provider network further comprises a user network management system.

In the same field of endeavor, Schmuelling discloses "... SP 116 includes an administrator 146 and an ISP registry 148. Administrator 146 can be either human or an automated user interface with which user 130 can establish an Internet-service agreement 150, illustrated as a "handshake" between administrator 146 and user 130. ISPs 118 and 120 may have administrators and registration databases similar to those of ISP 116 ...[see Schmuelling; *column 3, lines 17-35*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Schmuelling's teachings of a user management system with the teachings of Arkko, for the purpose of improving the ability of a network "*...to provide a system for supporting multiple internet service providers on a single network*" as stated by Schmuelling. By this rationale, **claim 5** is rejected.

Regarding **claim 6**, the combination Arkko- Schmuelling teaches the system of claim 31, wherein the access provider network further comprises a streaming media server [see Schmuelling; *fig 3, item 316*].

Regarding **claim 8**, the combination Arkko- Schmuelling teaches the system of claim 31, wherein the plurality of different IP enabled devices reside on a local area network (LAN) in communication with the access device [see Schmuelling, *column 2, lines 45-54*].

Regarding **claim 9**, the combination Arkko- Schmuelling teaches the system of claim 8, wherein the network access device utilizes Network Address Translation (NAT) protocol to provide the second IP address [see Schmuelling, *column 2, lines 45-54*].

Regarding **claim 10**, the combination Arkko- Schmuelling teaches the system of claim 31, wherein the access provider network further comprises a Dynamic Host Configuration Protocol (DHCP) server [see Schmuelling, *fig. 2, items 128-103; column 4, lines 53-67*].

Regarding **claim 11**, the combination Arkko- Schmuelling teaches the system of claim 31, wherein the access provider network further comprises a Remote Authentication Dial In User Service (RADIUS) server. Examiner takes Official Notice that a RADIUS server is well known in the art and it would have been obvious for an ordinary skill in the art to integrate a RADIUS server to obtain the benefits of the claimed invention.

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Regarding **claim 14**, the combination Arkko- Schmuelling teaches the method of claim 13, wherein the generating the second IP address is accomplished using Network Address Translation (NAT) protocol [see Schmuelling, *column 2, lines 45-54*].

Regarding **claim 29**, the combination Arkko- Schmuelling teaches the method of claim 27, further comprising the steps of:

receiving, by said access device, additional IP traffic from one of said different ISPs; determining, by said access device, which one of said plurality of different IP enabled devices is an intended recipient of said additional IP traffic; and forwarding said additional IP traffic to said one of said plurality of different IP enabled devices (column 7, lines 1-30).

Conclusion

6. Accordingly, **THIS ACTION IS MADE NON-FINAL**. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

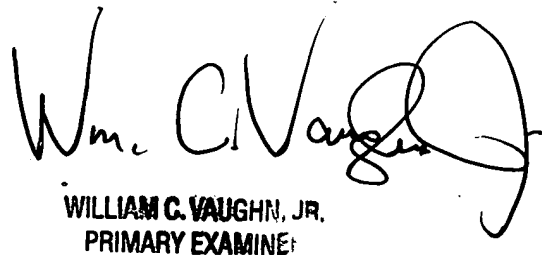
Patent Examiner

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JJG



April 14, 2006



Wm. C. Vaughn, Jr.
WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER